



City of Phoenix

# Rules of Council Proceedings

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<b>RULE 1</b>	<b>Applicability</b>	<b>2</b>
<b>RULE 2</b>	<b>Meetings</b>	<b>2</b>
<b>RULE 3</b>	<b>Order of Business for Formal Meetings</b>	<b>2</b>
<b>RULE 4</b>	<b>Policy and Work Study Sessions</b>	<b>3</b>
<b>RULE 5</b>	<b>Subcommittees</b>	<b>3</b>
<b>RULE 6</b>	<b>Ad Hoc Committees</b>	<b>3</b>
<b>RULE 7</b>	<b>Rules of Governance</b>	<b>4</b>
<b>RULE 8</b>	<b>Debate and Decorum-Elected Officials</b>	<b>5</b>
<b>RULE 9</b>	<b>Speaker and Audience Decorum</b>	<b>6</b>
<b>RULE 10</b>	<b>Enforcement, Suspension of Rules</b>	<b>6</b>
<b>RULE 11</b>	<b>Citizen Comment Period</b>	<b>6</b>
<b>RULE 12</b>	<b>Open Meeting Law</b>	<b>6</b>
<b>RULE 13</b>	<b>Conflict of Interest</b>	<b>7</b>
<b>RULE 14</b>	<b>Emergencies</b>	<b>7</b>
<b>RULE 15</b>	<b>Use of Staff (8-Hour Rule)</b>	<b>7</b>
<b>RULE 16</b>	<b>Invocation Procedure</b>	<b>7</b>

*This booklet reflects the ordinances approved by the City Council through June 2, 2021.*

*A copy is available to print or download at:*

<https://www.phoenix.gov/cityclerksite/Documents/Rules.pdf>

# **RULES OF COUNCIL PROCEEDINGS**

In accordance with the provisions of Chapter IV, Section 7, of the Charter of the City of Phoenix, the Rules of Council Proceedings were established in 1969 and incorporated into the Code of the City of Phoenix, Chapter 2, Article II, Section 2-60.

## **Rule 1 Applicability**

The proceedings of the Council of the City of Phoenix shall be governed by these Rules, resorting to the latest standard edition of Robert's Rules of Order, if necessary.

## **Rule 2 Meetings<sup>1</sup>**

- (a) The Council shall meet regularly according to the adopted meeting calendar as follows:<sup>2</sup>
  - (1) Policy Sessions to receive information and determine policy, or Work Study Sessions to review and discuss ideas that could lead to future policies and programs, at 2:30 p.m. on Tuesdays.<sup>3</sup>
  - (2) Formal Meetings to consider and act on general business at 2:30 p.m. on Wednesdays.
- (b) Special meetings may be called by the Mayor or three Councilmembers.<sup>4</sup>
- (c) The City Manager will include an item on the Formal Agenda at the written request of the Mayor or at least three Councilmembers. Before the meeting or before any vote occurs related to the item, the item may be withdrawn from the agenda by written request to the City Manager from the Mayor, only if the item was requested by the Mayor, or one of the Councilmembers who requested the item. Otherwise, an item can only be withdrawn from the agenda by a majority vote of the City Council.
- (d) Meeting times, dates, and locations may be changed, or meetings may be canceled by the Mayor.

## **Rule 3 Order of Business for Formal Meetings**

The City Clerk shall prepare and publish an agenda for each formal meeting with items approved by the City Manager in the following order:

- (a) Roll call of members;
- (b) Approval of minutes of previous meetings;
- (c) Appointment of Vice Mayor, Board and Commission members and Municipal Court judges and administration of oaths;
- (d) Liquor license, bingo, and off-track betting license applications;
- (e) Payment ordinances;
- (f) Reading and passage of ordinances and resolutions, formal recorded actions, consideration of bids, abandonments and easements not related to planning, old business, and new business items listed under the categories of administration, community services, economic development, public safety, and transportation and infrastructure;<sup>5</sup>

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1 Charter, Chapter IV, Section 19, requires the Council to meet at least once a month. Generally, meetings are held on the first and third Wednesday of the month.

2 Charter, Chapter IV, Section 4, requires the Council to provide for the time and place of its regular meetings.

3 See Rule 4 for description of Policy Sessions.

4 Charter, Chapter IV, Section 4, requires the Council to provide the manner in which special meetings will be called. Charter, Chapter IV, Section 20, provides that special meetings may be called by the Mayor or three Councilmembers.

5 Code, Section 2-78 provides that ordinances and resolutions may be read by title and agenda item only if the titles of the proposed ordinances and resolutions were available to the public in the City Clerk's office at least 24 hours before a meeting. If not available, the text of the ordinance or resolution must be read in full before the vote. Council may waive the reading by a 2/3 majority vote.

- (g) Planning and zoning matters including plats, abandonments and easements, ordinances, resolutions, public hearings, and ratification of planning/zoning cases;
- (h) Action on citizen petitions previously submitted, if applicable;
- (i) Reports from the City Manager, committees, or city officials;
- (j) Citizen comments.

#### **Rule 4 Policy and Work Study Session Agendas**

The Policy and Work Study Session agendas shall be prepared as follows:

- (a) The agenda shall be set by the Mayor, provided that an item may be placed on the agenda upon the written request of four Councilmembers.
- (b) The Policy agenda shall include time for Councilmembers to request information from City staff.
- (c) The agenda may include a consent agenda set by the Mayor, which shall be adopted, rejected, or continued without discussion.
- (d) Items shall be removed from the consent agenda upon the request of any Councilmember prior to 5:00 p.m. of the day preceding the meeting.
- (e) The Policy agenda may include a section in which formal actions, ordinances, and resolutions may be approved or adopted by the City Council. These items may be placed in this section upon City Manager's Office approval of an item in accordance with the normal process and deadlines.

#### **Rule 5 Subcommittees**

- (a) The Mayor may establish, modify, and terminate subcommittees of the Council and charge them with their powers, duties, and responsibilities. Subcommittee membership shall not exceed four.
- (b) The Mayor may refer matters to subcommittees for the purpose of collecting information, providing analysis, and making recommendations to the Council. Subcommittees may conduct public hearings on matters referred to them.
- (c) The Mayor shall appoint and remove the members and chairperson for each subcommittee. Only the Mayor and Councilmembers may serve on a subcommittee. The Mayor shall be a nonvoting ex-officio member of all subcommittees, unless otherwise designated.
- (d) The subcommittee chairperson shall determine the agenda for subcommittee meetings consistent with the subcommittee's charge.
- (e) The Mayor shall file with the City Clerk a list of all subcommittees with each subcommittee's members, chairperson, and charge. Any changes in subcommittee information shall also be filed with the City Clerk.

#### **Rule 6 Ad Hoc Committees**

- (a) The Mayor may establish, modify, and terminate ad hoc committees of the Council and charge them with their powers, duties, and responsibilities.
- (b) The Mayor shall appoint and remove the members and chairperson for each ad hoc committee. Membership of ad hoc committees may include citizens and up to four Councilmembers.
- (c) Ad hoc committees shall be established to study, review, and make recommendations regarding specific issues designated by the Mayor.
- (d) Ad hoc committees shall be established only for a limited, clearly defined, time and at the end of the designated time shall automatically be abolished unless the time is extended by the Mayor.



- (e) The Mayor shall file with the City Clerk a list of all ad hoc committees, together with each ad hoc committee's members, chairperson, and charge. Any changes in ad hoc committee information shall also be filed with the City Clerk.

## **Rule 7 Rules of Governance**

- (a) A majority of the members of the Council shall constitute a quorum.<sup>6</sup> The Charter requires the affirmative vote of a majority of the members of the Council to pass any ordinance, franchise, resolution or formal recorded action.
- (b) The Mayor shall be the presiding officer<sup>7</sup> and have a voice and vote in all Council proceedings. During the absence or disability of the Mayor, the Vice Mayor shall act as Mayor.<sup>8</sup> In the absence of both the Mayor and Vice Mayor at a council meeting, the Councilmember who most recently served as Vice Mayor shall serve as the acting Mayor to preside over the meeting.<sup>9</sup> During the extended absence or disability of both Mayor and Vice Mayor, the Council shall elect a presiding officer for all meetings.
- (c) The Council shall select a new Vice Mayor once each calendar year at the first Formal meeting in January or at the next regularly scheduled meeting after a Vice Mayor vacancy occurs.<sup>10</sup>
- (d) The Mayor shall assign the seating arrangement for the Formal and Policy Meetings.
- (e) Before any vote occurs related to an item on a Formal Council Agenda, the item may be withdrawn from the agenda by the City Manager, or by written request as provided in Rule 2(C). Otherwise, an item can only be withdrawn from the agenda by a majority vote of the City Council.
- (f) There will be no more than one amendment to a motion permitted. (A substitute motion is considered an amendment.)
  - (1) A "friendly" amendment that is accepted by the maker and the second shall not count as an official amendment. The purpose of a friendly amendment is to make minor modifications or clarifications to a motion.
  - (2) When a motion to amend a motion, which includes a substitute motion, has been made and seconded, the next vote shall be on that motion.
  - (3) If the motion to amend fails, the original motion remains on the floor and shall be voted on.
- (g) During a meeting, any Councilmember can request for all Councilmembers to receive a typed or written copy of a motion made by a Councilmember prior to the Council voting on the item. At the direction of the meeting chair, staff will retrieve a copy of the motion from the motion maker and provide it to the rest of the Council for their review. During the time staff is obtaining the motion and distributing it to the Council, the meeting chair can pause the meeting, or table the item for it to be heard at a later time in the same agenda.
- (h) Any member, at any time, may request a roll call vote for clarification of a voice vote.
- (i) Councilmembers shall not be excused from voting. A failure to vote or a voluntary abstention shall count as an "aye" vote unless excused by an announced conflict of interest.<sup>11</sup>
- (j) Roll will be called in alphabetical order by Councilmember last names, followed by the Vice Mayor and Mayor.

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6 Charter, Chapter IV, Section 6, establishes a majority of the Council (5) as a quorum. Charter, Chapter IV, Section 10, requires the affirmative vote of a majority of the members of the Council (5) to pass any ordinance, franchise, resolution, or formal recorded action.

7 Charter, Chapter IV, Section 3, provides that the Mayor shall preside at Council meetings.

8 Charter, Chapter III, Section 5(A), provides that in the Mayor's absence the Vice Mayor shall act as Mayor pro tempore.

9 Charter, Chapter V, Section 4(B) and 4(C).

10 Per Ordinance G-6558, this provision will not become effective until January 1, 2021.

11 Charter, Chapter IV, Section 23, requires Councilmembers to vote on all matters.

- (k) In the case of a tie in the vote on any measure, the measure shall be considered defeated.<sup>12</sup>
- (l) The Journal of the Proceedings of the Council (meeting minutes) shall record individual votes on all ordinances, resolutions, franchises, formal actions, and liquor license applications recommended for disapproval.<sup>13</sup> For voice votes of ayes and nays that are not unanimous, the Mayor shall indicate the individual votes. The Mayor may require that Councilmembers' votes be clarified.
- (m) During a meeting, the Council may vote to reconsider any item except an ordinance that failed to pass. The Charter provides that if an ordinance fails to pass, the vote on the motion shall not be taken within 24 hours thereafter.<sup>14</sup> The motion to reconsider any measure may be made only by a member on the prevailing side and must receive a second, which may be made by any member.
- (n) After the meeting, requests for reconsideration may also be filed by a member of the prevailing side with the City Clerk within seven business days following the date of original action, except requests for reconsideration of zoning matters shall be filed within seven calendar days after the action.<sup>15</sup>
  - (1) The request for reconsideration should be addressed to the City Clerk and contain the meeting date, item subject, and number of the item requested for reconsideration.
  - (2) If properly and timely filed, the City Clerk should place the request for reconsideration on the next available formal meeting agenda. Except for zoning cases, the item being reconsidered should be placed on the agenda to immediately follow the item to request reconsideration. Reconsidered items for zoning cases should be placed on the next available Formal agenda that allows compliance with the applicable posting period.
  - (3) A motion to reconsider must receive a second, which may be made by any Councilmember.

## **Rule 8 Debate and Decorum - Elected Officials**

- (a) When a measure is presented for consideration, the presiding officer shall recognize the appropriate person or persons to present the matter.
- (b) Councilmembers may speak after recognition by the presiding officer. The presiding officer shall not unreasonably withhold such recognition; however, the presiding officer may not recognize similar repetitive discussions, disrespectful comments or behavior, or motions which would delay the meeting.
- (c) When two or more members of Council wish to speak, the presiding officer shall determine the order of speaking and recognize the first speaker.
- (d) While a member of the City Council is speaking, no other member shall interrupt except to make a point of order or point of personal privilege.
- (e) When a motion is made and seconded, the presiding officer shall ensure that the debate is confined to the motion.
- (f) The Council may agree to limit debate on any matter before it. A limit may be formalized by a majority vote of the Council, or the presiding officer may announce time limits on any agenda item.

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12 Charter, Chapter IV, Section 6, establishes a majority of the Council (5) as a quorum. Charter, Chapter IV, Section 10, requires the affirmative vote of a majority of the members of the council (5) to any ordinance, franchise, resolution, or formal recorded action.

13 Charter, Chapter IV, Section 9, requires Council votes to be recorded in the Journal of the Proceedings of the Council.

14 Charter, Chapter IV, Section 13, provides that if an ordinance fails to pass, and a motion to reconsider is made, the vote on the motion shall not be taken within 24 hours thereafter.

15 Zoning Code, Chapter V, Section 506(A)(12).

- (g) Any member may call for the question on any issue under debate. The call for the question must receive a second and then receive at least a two-thirds vote. Passage of a motion to address the question terminates all debate on the original motion. The Council shall immediately vote on such motion.
- (h) If a member breaks these rules, the presiding officer shall, or any Councilmember may, call that member to order. The member so called shall immediately cease speaking, but may appeal to the Council. The Council shall decide the appeal without debate. If the appeal is granted, such member may continue speaking. If the appeal is denied, such member shall remain silent. Such offender is subject to censure or other punishment as the Council, by a three-quarters vote, deems just and proper under the law.

## **Rule 9 Decorum - Speaker and Audience**

- (a) No personal attacks by any speaker on Councilmembers, city staff or members of the public shall be allowed.
- (b) No person shall be permitted to interrupt Councilmembers or any other speakers during a Council meeting.
- (c) Only one person may approach the microphone at any one time and only the person at the microphone will be allowed to speak. This rule does not apply to interpreters. The person at the microphone shall comply with the directions of the Chair.
- (d) The Mayor, or presiding officer, may at any time and at his/her discretion, increase or reduce the time a person has to address the City Council.
- (e) The Mayor may determine the order in which persons speak and may establish time limits for agenda items and speakers.
- (f) Phoenix residents may be allowed to speak before nonresidents.
- (g) The Mayor has the authority to preserve order at all Council meetings, and may call for recess and/or remove or cause the removal of any person from any meeting of the Council.
- (h) A member of the public who disrupts and is ordered removed from a council meeting shall be excluded from the remainder of that meeting.

## **Rule 10 Enforcement, Suspension of Rules**

- (a) These rules shall be enforced by the presiding officer, subject to an appeal to the Council.
- (b) Unless otherwise provided by law, these rules may be suspended or modified at any time by a majority vote of the Council.

## **Rule 11 Citizen Comment Period**

Citizen comments will be heard for up to 30 minutes (unless extended by the Chair) before adjournment or recess of the formal meeting provided a quorum of the Council is present. Additional time for Citizen Comments may be allowed at the discretion of the presiding officer. Any member of the public may address the Council to comment on issues of interest or concern to them. Members of the public will be given a maximum of three minutes each to address the Council. Citizen comments will be televised as part of the formal meeting. In compliance with the Arizona Open Meeting Law, the City Council cannot discuss or take formal action on any matter raised during citizen comments.

## **Rule 12 Open Meeting Law**

The Council and its committees, subcommittees, and ad hoc committees shall hold all meetings and conduct all business in accordance with the provisions of the Arizona Open Meeting Law, A.R.S. § 38-431 et seq.

### **Rule 13 Conflict of Interest**

Each member shall comply with the Arizona Conflict of Interest Law, A.R.S. § 38-501 et seq. When a member recognizes a potential conflict of interest, the member shall declare the potential conflict and refrain from voting or participating in any manner in the matter.

### **Rule 14 Emergencies**

Emergencies shall be handled as provided by the Charter, Chapter IV, Section 14 and Chapter V, Section 4; the City Code, Administration Article II, Section 2-79; and the provisions of the Arizona Open Meeting Law, A.R.S. § 38-431 et seq. All ordinances, resolutions and franchises, other than an emergency measure, shall take effect and become operative 30 days after passage by the City Council. Emergency measures necessary for the immediate peace, health or safety of the City shall become effective immediately upon adoption by the affirmative vote of three-fourths of the members of the City Council if the item states in a separate section why the emergency is necessary.<sup>16</sup>

### **Rule 15 Use of Staff (8-Hour Rule)**

- (a) An individual Councilmember shall only request a staff project requiring over eight hours of staff work by first seeking approval of the full City Council. This includes requests such as research, ordinance development, listening sessions, hearings or community input meetings. The request shall be made in writing to the City Manager identifying the project being requested.
- (b) Items placed on a subcommittee agenda by a subcommittee chair or a regular agenda by the Mayor do not require an 8-Hour Rule request for basic staff work necessary for an initial discussion of the item. However, development of a new ordinance will generally require an 8-Hour request approved by the full City Council. A majority vote of a subcommittee can request staff to conduct up to three listening sessions or public hearings for the subcommittee.
- (c) This rule does not apply to district Council or Mayor office staff conducting their own research or community or public outreach meetings.

### **Rule 16 Invocation Procedure**

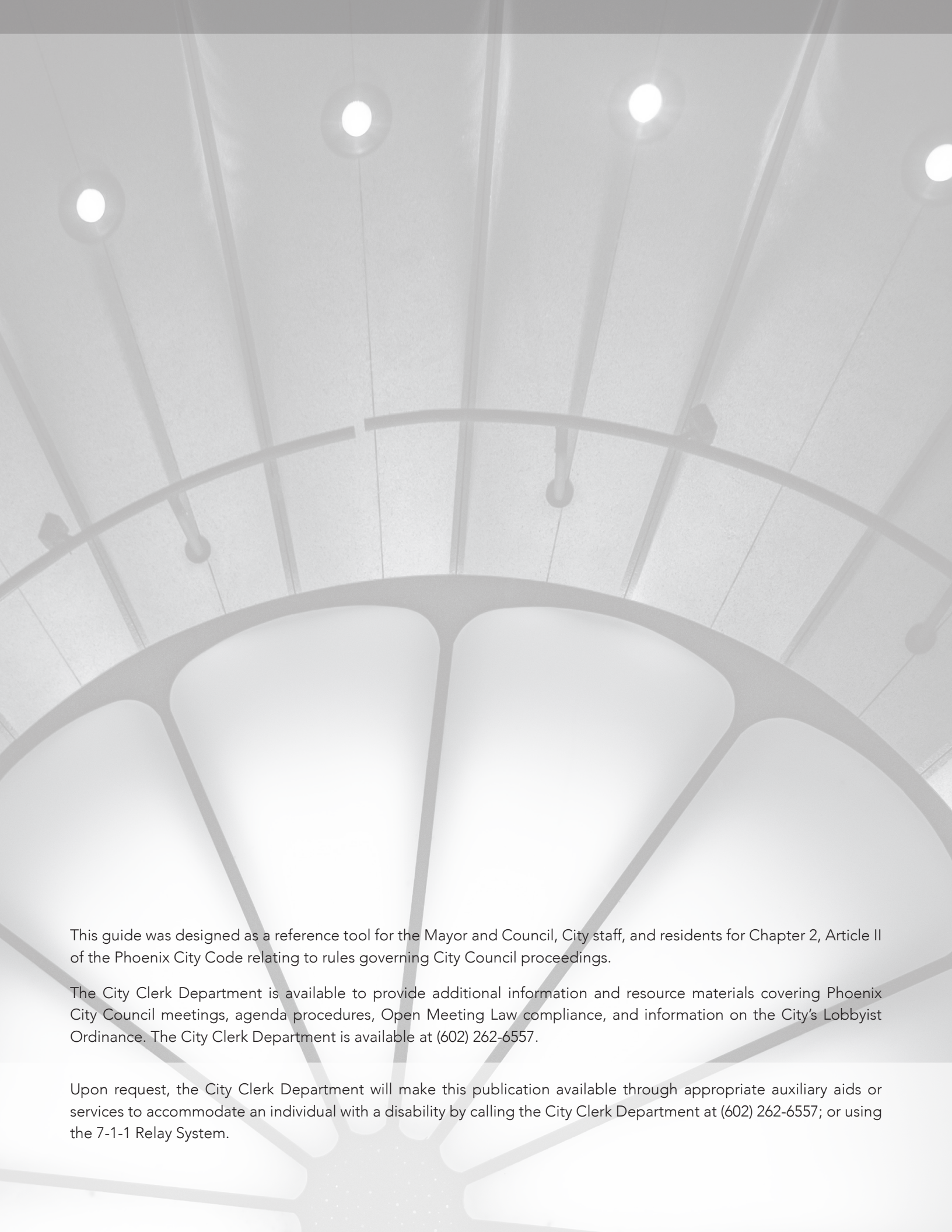
The City of Phoenix maintains a longstanding tradition of invocations at or preceding formal meetings. An invocation before a formal meeting shall be scheduled as follows:

- (a) A Fire Department or Police Department Chaplain will be invited to offer a nondenominational invocation at a formal meeting on a rotational basis.
- (b) The City Clerk will arrange each invocation with a specific chaplain and furnish instructions and guidelines to the chaplain.
- (c) If a Chaplain fails to appear as scheduled, or if no chaplain is available to be scheduled, the Mayor may call for a moment of silent prayer and reflection.

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<sup>16</sup> Charter, Chap IV, Sec. 14; City Code section 2-79. The Charter requirement of 2/3 vote is preempted by the 3/4 vote requirement in A.R.S. Sec. 19-142(B).





This guide was designed as a reference tool for the Mayor and Council, City staff, and residents for Chapter 2, Article II of the Phoenix City Code relating to rules governing City Council proceedings.

The City Clerk Department is available to provide additional information and resource materials covering Phoenix City Council meetings, agenda procedures, Open Meeting Law compliance, and information on the City's Lobbyist Ordinance. The City Clerk Department is available at (602) 262-6557.

Upon request, the City Clerk Department will make this publication available through appropriate auxiliary aids or services to accommodate an individual with a disability by calling the City Clerk Department at (602) 262-6557; or using the 7-1-1 Relay System.